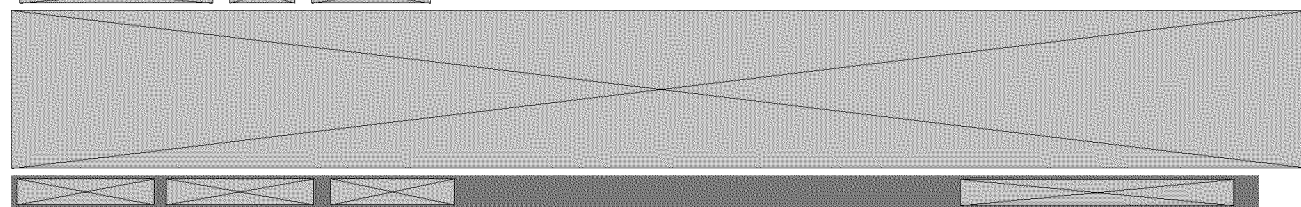


To: Mylott, Richard[Mylott.Richard@epa.gov]
From: BNA Highlights
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Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Senate Passes Water Infrastructure Bill, Looks to House

Posted September 15, 2016, 12:27 P.M. ET

By [Alan Kovski](#)

The Senate passed the Water Resources Development Act of 2016 (S. 2848) today on a 95-3 vote.

The vote shifted the action on water infrastructure legislation to the House, where floor consideration is anticipated next week on the House version (H.R. 3503) of WRDA 2016.

Sen. James Inhofe (R-Okla.) said he had been talking to Rep. Bill Shuster (R-Pa.), lead author of the House bill, to try to coordinate action. Inhofe said he wanted to see the House and Senate conference quickly resolve differences in the bills, such as the provisions in the Senate bill but not in the House bill to provide financial aid for drinking water systems, including the system in Flint, Mich.

Balancing Act Required as EPA Selects First 10 Chemicals to Review

Posted September 15, 2016, 2:46 P.M. ET

By [Pat Rizzuto](#)

As the Environmental Protection Agency selects the first 10 chemicals for risk evaluation, it must balance the expectations of a broad range of groups concerned about the amended Toxic Substances Control Act with resource limits and other practical considerations, an attorney tells Bloomberg BNA.

Trent Doyle, an attorney with Keller and Heckman LLP, discussed pressure some environmental organizations are placing on the EPA as it decides which chemicals will be in the first group to be evaluated under the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Pub. L. No. 114-182). The act, which amended the core provisions of TSCA, requires that the EPA announce ongoing risk evaluations of 10 chemicals by December.

Advocacy groups and some senators have urged the agency to include asbestos as one of the first 10 chemicals it will evaluate. Advocates also have urged EPA to select lead, cadmium, styrene and other chemicals.

The same agency office that must be assessing 10 chemicals by December also will be developing multiple rules including a regulation on how risk evaluations are conducted, Doyle said. EPA's Office of Pollution Prevention and Toxics has limited staff and will have to be realistic about its capacities while addressing Congressional and other expectations, he said.

EPA's staffing resources will begin to be bolstered after it completes an industry fee rule next year possibly allowing more staff to support TSCA evaluations.

House Prepares for Action on Water Infrastructure Bill

Posted September 15, 2016, 10:22 A.M. ET

By [Alan Kovski](#)

The full House may be ready to act on its version of the Water Resources Development Act of 2016 within days, but uncertainty about floor time forced the bill's chief author to heavily qualify his forecast today

The House will move the bill "hopefully here in the coming days or weeks or at least months," Rep. Bill Shuster (R-Pa.), said.

Shuster spoke at a hearing that formally considered some of the latest reports from the U.S. Army Corps of Engineers on projects that have been recommended to Congress for possible inclusion in the bill (H.R. 5303).

House Expected to Take Up Water Bill Next Week: Rep. Upton

Posted September 15, 2016, 12:59 P.M. ET

By [Ari Natter](#)

The House is expected to vote on its version of a broad water resources bill next week, Rep. Fred Upton (R-Mich.), told Bloomberg BNA today.

The bill (H.R. 5303) will likely be taken up as a suspension vote, meaning no amendments will be offered to the bill, said Upton, who chairs the House Energy and Commerce Committee.

The Senate passed the Water Resources Development Act of 2016 (S. 2848) today on a 95-3 vote.

Among the differences in the two bills: the House version doesn't contain funding for Flint, Mich.

Rep. Kildee: Democrats May Block WRDA Over Flint Funding

Posted September 15, 2016, 3:43 P.M. ET

By [Ari Natter](#)

House Democrats are considering withholding support for water resources development legislation if it doesn't include funding for Flint, Mich.'s lead-tainted drinking water supply, Rep. Dan Kildee (D-Mich.) told Bloomberg BNA.

"There is very serious concern, not just among rank-and-file members, but among our leadership about any bill that could include Flint, but does not," Kildee said in a phone interview, adding a final determination about withholding support had not been made.

Meanwhile, Environment and Public Works Committee chairman Jim Inhofe (R-Okla.) vowed in a floor speech that the issue would be addressed during a conference between the House and Senate bills.

"It would be a short-sighted mistake for those that are trying to help the people of Flint to prevent the quick movement of WRDA in the House so that we can conference immediately," Inhofe said.

EPA Methane Efforts Not Supported by Science: House Witnesses

Posted September 15, 2016, 1:18 P.M. ET

By [Rachel Leven](#)

The Environmental Protection Agency's methane regulatory efforts aren't supported by science, would have minimal environmental impact and would slaughter the economy, witnesses said today at a House Subcommittee on Environment hearing.

Bernard Weinstein, associate director for Southern Methodist University's Maguire Energy Institute, alleged that wetlands and agriculture are "the main culprits" for methane emissions releases—not the oil and gas industry. Erik Milito, director of upstream and industry operations at the American Petroleum Institute, also added that costs of an EPA rule regulating new, modified, and reconstructed equipment, processes, and activities in the oil and natural gas sector exceeded the benefits.

The House Science, Space and Technology subcommittee hearing centered on methane regulatory efforts, including the EPA's final rule aiming to limit methane emissions from new, reconstructed and modified sources in the oil and gas industry. The EPA is being sued over that rule in the U.S. Court of Appeals for the District of Columbia Circuit by North Dakota, Texas, a coalition of 14 states and a number of gas associations.

Paris Climate Deal Nears 55-Nation Requirement: U.S. Negotiator

Posted September 15, 2016, 1:10 P.M. ET

By [Dean Scott](#)

The Paris climate accord will be tantalizingly close to being formally adopted when negotiators from nearly 200 nations resume UN climate talks in Morocco Nov. 7-18, the top U.S. climate negotiator said today.

Up to 30 more nations are expected "more or less" to formally join the Paris Agreement during the Sept. 19-25 UN Climate Week summit in New York, said U.S. Special Envoy for Climate Change Jonathan Pershing. "That looks like it crosses the threshold of 55 countries"—the minimum number of nations that must ratify the Paris deal for it to enter into force, Pershing told reporters at the State Department.

But there's still another major hurdle: the deal must be joined by parties accounting for at least 55 percent of global greenhouse gas emissions.

Pershing says total emissions from those 55 or so nations—including the U.S. and China, which formally joined Sept. 3 and account for almost 40 percent—would still be just shy of the 55 percent emissions requirement. "The additional 30 [countries] should get you to close to 50" percent of global emissions but under the 55 percent threshold, Pershing said. "I don't think it's 55—more than 50 but in that ballpark," he said.

Obama Says He Has Fulfilled Campaign Vow to Lead on Climate

Posted September 15, 2016, 2:45 P.M. ET

By [Dean Scott](#)

President Barack Obama said today he has made good on a campaign pledge he made more than eight years ago to make the U.S. once again a global leader in combating climate change.

"One of the reasons I ran for president was to make sure that America does our part to protect our planet for future generations," Obama said in a speech to the third annual Our Ocean conference at the State Department.

"And I am very proud that America has become a global leader" on climate action, he said, touting "our role in rallying nearly 200 nations around the Paris Agreement" reached at a UN climate summit in December.

"Our work continues to bring it into force this year," Obama said. The U.S. and China, the world's top two emitters, formally joined the deal Sept. 3.

The president also framed his designation this morning of nearly 5,000 square miles off the coast of New England as a new marine national monument as a step toward boosting the health of oceans and the climate. "We're helping make the oceans more resilient to climate change," he said of his executive action, which creates a new Northeast Canyons and Seamounts Marine National Monument.

Washington State Adopts Carbon Cap Rule

Posted September 15, 2016, 1:50 P.M. ET

By [Paul Shukovsky](#)

Businesses in Washington state annually emitting 100,000 metric tons of greenhouse gases will be required to cap and then gradually reduce those emissions under a [rule](#) adopted today by the state Department of Ecology.

Entities exceeding the 100,000-ton threshold will enter the Clean Air Rule program in 2017 and be required to achieve an annual average reduction of 1.7 percent by 2020 from a five-year baseline period ending in 2016. Businesses can also comply with the reduction requirements by purchasing allowances called emission reduction units from others in the state program or from other approved carbon markets. The cap will diminish by 5,000 metric tons every three years and thus sweep new businesses into the regulatory program.

The ecology department has identified businesses potentially covered by the rule including refineries such as BP - Cherry Point, Phillips 66 - Ferndale, Tesoro Refining & Marketing Co. - Anacortes, Shell Puget Sound - Anacortes and U.S. Oil and Refining Co. - Tacoma.

The rule will also potentially cover natural gas distributors such as Avista Corp., Cascade Natural Gas Corp. and Puget Sound Energy. Other companies listed by the department include Alcoa Wenatchee Works, Boeing Commercial Airplanes, Kaiser Aluminum Washington and Tyson Fresh Meats Inc.

Sanders: Dakota Access Pipeline Review Legislation Likely to Return

Posted September 15, 2016, 1:19 P.M. ET

By [Ari Natter](#)

An amendment that would require the Obama administration to complete a full environmental review of Energy Transfer Partners Dakota Access pipeline isn't likely going to go away. "It's an issue I'm deeply concerned about and we are going to continue that fight," Sen. Bernie Sanders (I-Vt.), the author of the measure, told Bloomberg BNA. The amendment, which would bar the U.S. Army Corps of Engineers from approving the Dakota Access pipeline until the agency has completed a review of culturally and historically significant sites, was filed to a water resources bill passed by the Senate earlier today, but did not receive a vote. Federal officials last week said they would not authorize work on the \$3.8 billion project on Army Corps land bordering Lake Oahe and asked the company to voluntarily pause construction activity within 20 miles of either side of the lake amid opposition from the Standing Rock Sioux and other native tribes.

Rep. Rogers Open to Stopgap Disaster Relief Linked to Flint Aid

Posted September 15, 2016, 1:36 P.M. ET

By [Brian Dabbs](#)

The House is still angling to provide Louisiana flood relief in a stopgap continuing resolution, Appropriations Chairman Hal Rogers (R-Ky.) told Bloomberg BNA today, indicating prospects are still alive for inclusion of a Flint, Mich. supplemental.

Senate Appropriations Ranking Member Barbara Mikulski (D-Md.) said yesterday she's willing to support disaster relief in a stopgap as long as it includes relief provisions for Flint drinking water lead contamination.

Rogers didn't speak directly to Flint. "We want to try to find ways to help Louisiana even at this real late date in the [continuing resolution] process," Rogers told Bloomberg BNA before the House polished off its final vote of the week.

Louisiana Gov. John Bel Edwards met with the Appropriations chief at 11 a.m. today. A stopgap would provide federal government funding beyond Sept. 30, the end of this fiscal year.

Obama Creates First National Marine Monument in Atlantic

Posted September 15, 2016, 2:23 P.M. ET

By [Martha Kessler](#)

President Barack Obama today created the Atlantic Ocean's first marine national monument, [designating](#) 4,913 square miles off the coast of Massachusetts as the Northeast Canyons and Seamounts Marine National Monument.

The move is intended to help build the resilience of an ecosystem that includes three underwater canyons and four undersea mountains, Obama said, speaking at the Our Ocean conference in Washington, D.C. The designation was made under the authority of the Antiquities Act. The move will ban commercial fishing, with the exception of a seven-year phase-out for existing permits of the red crab fishery and the American lobster fishery, and other resource extraction activities in the area. A 60-day transition period is in effect for prohibited fisheries.

Yucca Is Dead If Nixed by New Administration: Rep. Simpson

Posted September 15, 2016, 12:49 P.M. ET

By [Rebecca Kern](#)

Rep. Mike Simpson (R-Idaho) said today that he suspects Yucca Mountain "is going to be dead" if the new administration is opposed to Yucca Mountain as a permanent geological repository for high-level nuclear waste.

Simpson, chairman of the House Appropriations Subcommittee on Energy and Water Development, noted that if the new administration vetoes any future bill that supports Yucca Mountain funding, then likely Yucca may flounder. "I suspect that by this time next year we will have an indication as to whether Yucca Mountain is going to proceed or not," he said at the National Cleanup Workshop in Alexandria, Va., focusing on the Energy Department's Environmental Management programs.

Currently, funding for Yucca Mountain is one of the biggest differences between the House and Senate versions of the Energy and Water Development appropriations bills. Simpson said that House members insist that the bill should continue funding Yucca Mountain, as well as interim storage. The Senate version doesn't fund Yucca Mountain.

"Lamar [Alexander (R-Tenn.)] and I are trying to get to the same place on this. We both have the same goal because the reality is that if you do Yucca Mountain, you've got to have interim storage also," he said. "We're trying to get to those two places but we obviously haven't been able to do it yet."

Trump Economic Plan Would Boost Fossil Fuels, Cut Environmental Rules

Posted September 15, 2016, 1:19 P.M. ET

By [Renee Schoof](#)

Donald Trump released an economic [plan](#) today that would eliminate some major environmental regulations and promote coal and oil and gas development.

The Republican presidential nominee's plan called for a halt to new federal regulations and a requirement that all agencies would have to rank their regulations in terms of "contribution to economic growth, health and safety, with the goal of strengthening the useful ones and reducing the harmful ones." The Clean Power Plan, the clean water rule and the new ozone standard would be eliminated, the plan said.

It also called for lifting "unnecessary restrictions" on fossil fuels, streamlining permitting for energy projects, and making research into advanced energy technologies predicated on "the free market" rather than government policy.

Rep. Simpson: Aim to Vote on Continuing Resolution Next Week

Posted September 15, 2016, 10:54 A.M. ET

By [Rebecca Kern](#)

Rep. Mike Simpson (R-Idaho) wants to get a continuing resolution passed by next Friday to fund the government until Dec. 9, he said today.

The continuing resolution would also include Zika funding that would into effect Oct. 1, Simpson, who is chairman of the House Subcommittee on Energy and Water Development, said during the National Cleanup Workshop in Alexandria, Va. Simpson said he wants to be able to vote on the spending bill by Sept. 23 before Congress leaves recesses for the elections.

The appropriators would also like to get an omnibus or a series of “mini-buses” combining several of the appropriations bills for fiscal year 2017 done soon. Simpson said if there were direction from leadership to start work on the funding measures, “we would actually have it ready when we come back before Dec. 9 and have those bills ready to go and be able to pass those appropriation bills.”

“[Continuing resolutions] are no way to fund the government. You’re funding priorities from last year instead of priorities of the coming year,” he said. “[Continuing resolutions] are very harmful to doing our job.”

E&E Legal Sues Vermont Attorney General Over Exxon Probe

Posted September 15, 2016, 10:29 A.M. ET

By [Rachel Leven](#)

The Energy and Environment Legal Institute today will sue the Vermont attorney general for documents related to an investigation by 17 attorneys general into whether fossil fuel companies such as Exxon Mobil Corp. lied to its investors about the risks climate change poses to their business.

Vermont Attorney General William H. Sorrell violated the state’s Public Records Law by declining to produce certain document-sharing agreements the state official signed related to the investigation, the free market group alleged to the Superior Court of Washington County in Vermont. The nonprofit requested the court offer declaratory and injunctive relief, requiring the state office to release the requested records.

This is one of several lawsuits filed by the institute against a number of attorneys general regarding documents related to the climate probe. The case is Energy & Env’t Legal Inst. v. Att’y Gen.

Groups Seek EPA Civil Rights Review of Pesticide Use in Hawaii

Posted September 15, 2016, 1:13 P.M. ET

By [David McAfee](#)

Earthjustice, on behalf of community groups in Hawaii, Sept. 14 filed a civil rights complaint with the Environmental Protection Agency over state agencies’ pesticide use.

Moms On a Mission (MOM) Hui and Pōnullai Wai Ola/West Kauanulli Watershed Alliance asked the EPA and the U.S. Department of Agriculture to investigate the Hawaii Department of Agriculture (HDOA) and the Hawaii Agribusiness Development Corporation (ADC). HDOA and ADC are accused of violating Title VI of the Civil Rights Act of 1964 by facilitating the drift of pesticides into Native Hawaiian communities.

The affected areas are those with large numbers of Native Hawaiian people, which the community groups say are “an endangered race and a wealth of cultural knowledge.”

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